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February 15, 2008

BY E-FILEING AND HAND DELIVERY

The Honorable Joseph J. Farnan, Jr.
United States District Court
844 King Street
Wilmington, DE 19801

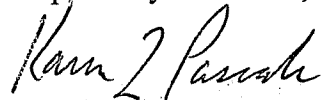
Re: *Iovate Health Sciences USA, Inc., et al. v. WellNx Life Sciences Inc., et al.*,
C.A. No. 07-286-JJF

Dear Judge Farnan:

This is Iovate's reply to the February 13 letter response filed by defendants' counsel regarding jurisdictional discovery (D.I. 47).

Iovate does not object to the text of paragraphs 1-3 of defendants' proposed order.¹ Iovate's only concern is that it not be put in the position of having to take "one-shot" depositions of the individual defendants on all issues, prior to having any meaningful opportunity to take general discovery on the merits of the case. Therefore, if the Court is content to allow Iovate to take the Woodgates' depositions in the course of general fact discovery (those "one time" depositions to include any jurisdictional issues), then paragraphs 1-3 of defendants' proposed order are fine with Iovate.

Respectfully submitted,



Karen L. Pascale (No. 2903)

¹ Iovate does, however, object to the first "whereas" clause of defendants' proposed order. As pointed out in Iovate's February 11 letter request (D.I. 46), the Court's August 16, 2007 Order (D.I. 27) did not grant the parties leave to conduct jurisdictional discovery. That Order merely extended the time for Iovate to file its answering brief in response to the defendants' motion to dismiss "until a date after Plaintiffs' Motion for Jurisdictional Discovery has been resolved." It is completely disingenuous of defendants to suggest that they would not have vigorously opposed any prior attempt by Iovate to take jurisdictional discovery.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

The Honorable Joseph J. Farnan, Jr.

February 15, 2008

Page 2

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